



November 6, 2013

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

RE: Notice of *Ex Parte* Meeting  
**CG Docket Nos. 03-123 and 10-51**

Dear Ms. Dortch:

On Monday, November 4, 2013, Claude Stout of the Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and Howard Rosenblum and Andrew Phillips of the National Association of the Deaf (NAD) (collectively the “Consumer Groups”) met with Kris Monteith, Karen Peltz Strauss, Gregory Hlibok, Robert Aldrich, Elaine Gardner and Eliot Greenwald of the Consumer & Governmental Affairs Bureau (CGB), David Schmidt of the Office of Managing Director (OMD), and Jonathan Chambers of the Office of Strategic Planning & Policy Analysis (OSP) to discuss the effects of recent FCC decisions on Video Relay Service (“VRS”) and IP Relay service.

At the meeting, the Consumer Groups expressed strong concerns about the state of functional equivalency in relay services and the recent departure of three IP Relay providers from the marketplace. Following a May 2013 proposal to cut IP Relay rates by nearly 20%, which the FCC later implemented, three of the five IP Relay providers immediately left the business and one additional provider has said it may leave the business as well. Deaf and hard of hearing consumers are currently left with only two IP Relay providers – a duopoly that may soon become a monopoly. This change will adversely affect the IP Relay experience for deaf and hard of hearing users as competition is vastly reduced. Significantly, the burden will fall most heavily on deaf-blind people for whom IP Relay is their only accessible form of relay service.

We, along with several providers, previously warned the FCC that these IP Relay rate cuts would likely lead to providers leaving the market. In our June 26, 2013 ex parte letter we expressed strong concerns that the IP Relay rate decrease will lead to providers leaving the business and stressed the need to offer rates that will adequately compensate providers and promote quality service.<sup>1</sup> The FCC must act quickly to restore competition to IP Relay. This likely requires providing incentives to new providers as there naturally is a barrier to entry and also providing attractive rates.

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<sup>1</sup> Consumer Groups Ex Parte Letter, June 26, 2013, <http://apps.fcc.gov/ecfs/document/view?id=7520925690>.

One of the two remaining IP Relay providers, the one who has not threatened to leave, uses overseas communication assistants (CA). We have received complaints from people about CAs with heavy foreign accents and believe that using these CAs is a departure from functional equivalence. The Consumer Groups are not comfortable having overseas CAs with heavy foreign accents relaying our calls but wonder if the current rates require these kind of cost saving measures.

The Consumer Groups have given the FCC a lot of latitude in determining rates for relay services. However, we're now very nervous that the financial analysis used to determine the IP Relay rates are now being applied to VRS. We do not want to see VRS providers leaving the business in a similar fashion to IP Relay. In light of the recent VRS rate cuts and stricter answering time requirements, we implore the FCC to carefully examine what happened to IP Relay and make sure VRS providers are adequately compensated and that compensation promotes quality service. In order to improve functional equivalency in VRS, the rates need to be structured in a way to incentivize providers to provide better service.

We have also advocated to allow skill-based routing, where VRS users can be matched with VRS CAs that are best able to relay their calls.<sup>2</sup> VRS providers employ large numbers of CAs with different strengths and weaknesses and skill-based routing will allow for the best possible matches. For instance, an available CA might have experience interpreting medical matters and it makes perfect sense to match that available and experienced CA with a user who is making a medical call. At the same time, matching should not be required but instead should be an option for users.

The Consumer Groups understand that the FCC will be meeting this week with one IP Relay provider to discuss ways to keep the service competitive. We also discussed the possible neutral platform, expanding the iTRS Advisory Council, and briefly the data collection and reimbursement process. We are pleased that the FCC is committed to working closely with the Consumer Groups as they work to revise and improve relay services.

We appreciate the opportunity to meet with the FCC and look forward to working together to create a stronger relay system that provides deaf and hard of hearing people with functionally equivalent telephone services.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew S. Phillips". The signature is written in a cursive, flowing style.

Andrew S. Phillips, Esq.  
Policy Counsel

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<sup>2</sup> Consumer Groups Comments to Further Notice of Proposed Rulemaking, March 9, 2012, <http://apps.fcc.gov/ecfs/document/view?id=7021899655>.

cc (by email): Kris Monteith, CGB  
Karen Peltz Strauss, CGB  
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Elaine Gardner, CGB  
Eliot Greenwald, CGB  
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